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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,480	05/17/2007	Stephan Lietz	10191/4233	4944

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EXAMINER	
KIM, EDWARD J	

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
10/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,480	LIETZ ET AL.	
	Examiner	Art Unit	
	EDWARD J. KIM	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-13 and 15-17* is/are pending in the application.

4a) Of the above claim(s) *14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-13, and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on 06/24/2008.

2. Claims 9-13 and 15-17 are pending in this office action. Claim 14 have been cancelled by the Applicant.

Response to Amendment

3. The Examiner withdraws previous 35 U.S.C. 112 rejections.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9, 11-13, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch et al. (US Patent #4,715,030), hereinafter referred to as Koch.

Regarding claim 9, Koch discloses, a network bridge comprising: means for monitoring volume of at least one of incoming and outgoing data flowing through the network bridge and its memory (Koch, Abstract, col.1 ln.49-65, col.2 ln.55-col.3 ln.10, col.4 ln.54-64, col.6 ln.8-15. Koch discloses a network bridge that monitors both incoming and outgoing data.), the means for monitoring being configurable by a higher-level instance, wherein the means for monitoring is configured in such a way that in addition to an analysis of the data, operation on the data is performed as well (Koch, Abstract, col.1 ln.49-65, col.2 ln.55-62, col.3. ln.1-10, col.4 ln.1-21,

col.6 ln.7-16, col.8 ln.1-col.9 ln.42. Koch discloses various ways of determining the action resulting from monitoring.).

Regarding claim 11, Koch disclosed the limitations, as described in claim 9, and further discloses, a network bridge wherein the higher-level instance includes at least one of a management and configuration layer for the network bridge (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 12, Koch disclosed the limitations, as described in claim 9, and further discloses, a network bridge wherein the means for monitoring encompasses a software component within a network bridge architecture, the component having at least one of a gateway functionality and a firewall functionality (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 13, Koch disclosed the limitations, as described in claim 9, and further discloses, a network bridge wherein an extent of a data analysis by the means for monitoring is adjustable (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Regarding claim 15, Koch disclosed the limitations, as described in claim 9, and further discloses, a network bridge wherein an analysis of the data and operation on the data are performable in various layers of a layer model, including an OSI reference model (Koch, col.1 ln.26-45, col.2 ln.26-26. OSI reference model is disclosed as an example of a layer model, upon which the invention is implemented.).

Regarding claim 16, Koch disclosed the limitations, as described in claim 9, and further discloses, a network bridge according wherein the means for monitoring is configured to one of

block and prioritize at least one of address interfaces, input interfaces, output interfaces, and logged data, on the basis of an evaluation (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42. Koch discloses various ways of determining the action resulting from monitoring, such as blocking transmission from certain addresses, etc.).

Regarding claim 17, Koch discloses, a system comprising: a plurality of network bridges, each of the network bridges including means for monitoring volume of incoming and outgoing data flowing through the network bridge and its memory (Koch, Abstract, col.1 ln.49-65, col.2 ln.55-col.3 ln.10, col.4 ln.54-64, col.6 ln.8-15. Koch discloses a network bridge that monitors both incoming and outgoing data.), the means for monitoring being configurable by a higher-level instance (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42. Koch discloses various ways of determining the action resulting from monitoring.), the means for monitoring being individually configurable in each network bridge in order to allow each network bridge, independently of other of the network bridges, to be capable of performing functions of one of a gateway and a firewall; and wherein the means for monitoring is configured in such a way that in addition to an analysis of the data, a manipulation of the data is performed as well (Koch, Abstract, col.1 ln.49-65, col.3. ln.1-10, col.6 ln.7-16, col.8 ln.1-col.9 ln.42.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. (US Patent #4,715,030), hereinafter referred to as Koch, in view of Kondou et al. (US Patent #6,519,671 B1), hereinafter referred to as Kondou.

Regarding claim 10, Koch disclosed the limitations, as described in claim 9, and further discloses the use of the network bridge for coupling network buses (Koch, col.4 ln.44-50, col.5 ln.14-20.), however, does not explicitly disclose a network bridge for coupling IEEE 1394.

Kondou discloses, method of network configuration, method and apparatus for information processing, and computer-readable media utilizing a bridges. Kondou further discloses a network bridge wherein the network bridge is for coupling IEEE 1394 buses (Kondou, Abstract, col.1 ln.8-12, col.1 ln.15-20, col.4 ln.57-61.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Koch with those of Kondou to implement network bridges for coupling IEEE 1394 buses. One would have been motivated to do so, as Koch discloses that the invention is used for known coupling network buses, and IEEE 1394 buses was a well-known standard.

Response to Arguments

8. Applicant's arguments filed 06/24/2008 have been fully considered but they are not persuasive.

9. The Examiner has previously noted in the Conclusion section of the Office Action dated 02/21/2008,

> **"Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner."

10. The Applicant argues,

"Koch fails to disclose monitoring volume of incoming and outgoing data flowing through the network bridge and its memory…Moreover, volume of incoming frams is not of a particular concern to Koch's system." (refer to third paragraph of pg.6 of Amendment filed on 06/24/2008)

The Examiner respectfully disagrees.

Koch discloses a system that enables a high bandwidth and a high operating speed (Koch, col.2 ln.55-65). Koch further discloses monitoring the bandwidth and the throughput of the network (Koch, col.4 ln.1-21). Throughput is a measurement that is expressed in terms of the ratio of the volume of data to time. Therefore, Koch discloses monitoring volume data flowing through the network. Volume of data transferred in the network is of concern in Koch's system.

The Applicant argues,

"Koch fails to disclose a means for monitoring being configurable by a higher-level instance…Nowhere does Koch disclose or suggest that any part of the monitoring process may be configured by a higher level instance." (refer to second paragraph of pg.7 of Amendment filed on 06/24/2008)

The Examiner respectfully disagrees.

Koch discloses that higher-level instances are utilized for configuring the disclosed system (col.5 ln.54 – col.6 ln.16, col.6 ln.30-36). For example, Koch discloses a function that acts as a filter or a firewall, which is utilized for determining forwarding of certain data (col.6 ln.1-16). The processes disclosed by Koch are configured via a higher-level instance. For

example, hardware requires configuration via an application tool for it to carry out the functionality.

In addition to the above arguments, the Applicant has added the limitation, "...operation on the data is performed as well". To clarify the rejection maintained by the Examiner, Koch discloses various operations performed by the system. For example, Koch discloses reading means for reading the address portion of an incoming message frame (Koch, col.2 ln.64-65). The Applicant further admits that Koch discloses controller means for directing an incoming message frame, etc. (refer to second paragraph of the Amendment filed on 06/24/2008). Clearly, Koch discloses a monitoring system that performs operation on the data.

In view of the above arguments, the Applicant fails to disclose in detail *what is exactly meant* by the limitation in dispute, and *how it differs* from what is taught by Koch.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied up on is considered pertinent to applicant's disclosure.

A Shortened statutory period for reply is set to expire 3 month(s) or thirty (30) days, whichever is longer, from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2155